



California Fair Political Practices Commission

March 31, 1992

Hal Stocker
Box 366
Challenge, CA 95925

Re: Your Request for Advice
Our File No. A-92-143

Dear Mr. Stocker:

This letter is in response to your request for advice regarding the campaign disclosure provisions of the Political Reform Act (the "Act").¹

QUESTION

Must an individual, acting as the proponent of a county referendum, file campaign disclosure statements?

CONCLUSION

Any person or combination of persons who directly or indirectly receives contributions of \$1,000 or more in a calendar year, for the purpose of influencing voters, becomes a committee and shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214.

FACTS

You are the proponent of a Yuba County referendum to rescind an action of the Board of Supervisors. You are circulating petitions to gather signatures to qualify the measure for submission to the Board of Supervisors, which may then submit the measure to the voters. You have received some contributions to finance your efforts to qualify the measure but most of the money has been your own.

¹ / Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

ANALYSIS

Section 82013(a) provides that any person or combination of persons who directly or indirectly receives contributions totaling \$1,000 or more in a calendar year for the purpose of supporting or opposing state or local candidates or measures is a "committee."

Section 82043 defines "measure" as any constitutional amendment or other proposition which is submitted to a popular vote at an election by action of a legislative body, or which is submitted or is intended to be submitted to a popular vote at an election by initiative, referendum or recall procedure whether or not it qualifies for the ballot.

You will not incur campaign disclosure filing obligations until you have received contributions totaling \$1,000 or more in a calendar year. To determine if \$1,000 has been received, you must count all monetary and non-monetary contributions received, including loans and any personal funds of your own spent in connection with the qualification or passage of the referendum.

Section 84101(a) requires every committee qualified under Section 82013(a) to file a Statement of Organization (Form 410) with the Secretary of State within 10 days after receiving contributions totaling \$1,000 or more in a calendar year. In addition to filing the original and one copy of Form 410 with the Secretary of State, the committee must file a copy with the local filing officer with whom it will file the originals of its campaign reports, which in your case is the Yuba County Registrar of Voters. (Section 84215.)

Once the committee qualifies under Section 82013(a), it will also be required to file periodic campaign reports (Form 420 or 450). If it becomes a "committee" during the period in which you are attempting to qualify the measure, the committee must file a "post qualification" campaign report due 21 days after the deadline for filing petitions. The closing date for the period covered by this report is seven days prior to the date it is required to be filed. (Section 84200.5(f).) The committee also will be required to file semi-annual campaign statements each year and, if the referendum measure qualifies for the ballot, pre-election statements must be filed prior to the election. (Section 84200, 84200.5)

Semi-annual statements are due no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31. (Section 84200.) The deadlines for pre-election campaign statements are determined by the date of the election. (Section 84200.8.) Campaign statements must be filed until the committee is eligible to terminate. (Sections 82013,

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84214.) The Registrar of Voters for Yuba County can provide you with the appropriate forms, filing dates, and the Commission's campaign information manual (Manual D--Campaign Manual for Committees Primarily Formed to Support or Oppose the Qualification, Passage or Defeat of a Ballot Measure).

If you have additional questions, please contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel



By: Wayne P. Imberi
Political Reform Consultant